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MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Report of the Secretary-General

Addendum

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ALGERIA

[Original: French]

[12 September 1995]

1. In adopting, on 9 December 1994, resolution 49/60 approving the Declaration on Measures to Eliminate International Terrorism, the United Nations General Assembly entered a new phase in its efforts to deal with the issue of international terrorism. In so doing, the General Assembly adapted the tactics of the international community to the demands of a more systematic and better organized effort to combat acts of terrorism, whose globalization poses a serious threat to international peace and security and runs counter to the principles of the Charter of the United Nations and of international law concerning friendly relations and cooperation among States.

2. Algeria reaffirms its unconditional support for the Declaration on Measures to Eliminate International Terrorism. It associates itself fully with the General Assembly's unequivocal condemnation of all acts, methods and practices of terrorism, wherever and by whomever committed. It supports the constructive role which the United Nations and its specialized agencies could play in the fight against this scourge, which is the product of extremism and intolerance. It attaches importance to the implementation, at the national and international levels, of the measures enumerated in this Declaration, and hopes that steps to strengthen the effort to prevent and eliminate international terrorism will be pursued with a view to giving that effort the quality and consistency of a genuine strategy for collective security. Accordingly, the Algerian Government, in compliance with the provisions of resolution 49/60 and of the Declaration annexed thereto, wishes to communicate its views on the practical measures and provisions which have been implemented as part of the campaign to eliminate international terrorism.

A. Measures taken in accordance with General Assembly resolution 49/60

3. Pursuant to paragraph 4 of resolution 49/60, in which the General Assembly urges States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to eliminate terrorism, the Algerian Government has striven to promote and implement, in good faith, all aspects of the General Assembly's Declaration. Specifically, it has taken the following measures:

4. At the national level, the Algerian Government has promulgated a new law to strengthen efforts to combat terrorism. Accordingly, the Penal Code and the Code of Penal Procedure have been amended to meet the requirements of public safety in Algeria.

New article 87 bis of the Penal Code, which concerns the characterization of acts of terrorism, defines as terrorist or subversive all acts intended:

To spread fear throughout the population and to create a climate of insecurity by causing individuals mental anguish or physical injury, or by endangering their lives, freedom, safety or property;

To impede traffic or freedom of movement on roads or to occupy public places by mob action;

To attack symbols of the nation and of the Republic or to desecrate cemeteries;

To interfere with the communications media, the transport system or public and private property, to take possession of them or to occupy them unlawfully;

To harm the environment or to introduce in the atmosphere, on land, under ground or in the water, including the territorial waters of the ocean, any substance that might endanger the health of persons or animals or the natural environment;

To interfere with the actions of public authorities, freedom of religion or civil liberties, or with the operations of establishments that serve the public;

To interfere with the operations of public institutions or to attack the lives or property of their agents, or to hinder the enforcement of laws and regulations.

The purpose of these provisions is to define and characterize terrorist acts in an appropriate manner in order to prevent them from being carried out, and to stipulate the penalties and sanctions which those convicted of committing such acts could expect to incur. To this end, the Algerian legislature has judged it necessary and advisable to impose stiffer penalties, which shall henceforth correspond to the gravity of the terrorist acts committed. Heavy deterrent penalties are envisaged for any Algerian national who agitates for or enrols abroad in a terrorist or subversive association, group or organization, whatever its structure or designation, even if its operations are not directed against Algeria. Penalties are also envisaged for any person involved in the manufacture, purchase, sale and importation of weapons and explosives intended for use in terrorist acts.

In addition, other measures and additional procedures have been promulgated to ensure the application of this anti-terrorist legislation which reflects the determination of the Algerian State to combat international terrorism effectively and by lawful and legitimate means.

5. At the bilateral level, the Algerian Government has made sustained efforts to coordinate policies and strategies to combat terrorism, for example by strengthening judicial cooperation, exchanging information, and circulating details of persons who have committed terrorist acts so that they might be arrested, handed over or extradited. In this context, the Algerian Government is making active and untiring efforts to harmonize its national legislative provisions and conclude agreements on measures that need to be taken in order to

bring to justice or extradite the perpetrators of and accomplices to terrorist acts, as well as agreements on preventive measures.

6. At the international level, the Algerian State acceded to the following conventions in 1995:

(a) The Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

(b) The Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

(c) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

(d) The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, complementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

7. In accordance with paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism, the Algerian Government has communicated information on national laws and regulations regarding the prevention and suppression of terrorism in all its forms and manifestations; this information will help the Secretary-General to prepare a compendium of national laws 1/ which will provide useful material for the establishment of an effective juridical mechanism for preventing and combating terrorist acts. At the present time, such acts have a multifaceted quality not covered by international penal law in the context of a global vision of the fight against all terrorist acts regardless of their character, methods and motivation.

8. The Algerian Government subscribes to the idea of a draft international convention on the prevention and elimination of terrorism under which States parties would undertake to refrain from any acts likely to promote terrorist activities against other States and to prevent the commission of such acts. This convention would strengthen the obligation of all States to refrain from organizing, assisting, inciting, encouraging or tolerating, in their territories, activities designed to perpetrate such acts, with operational measures of a legal and practical nature. The second aim of such an international legal instrument would be to enhance cooperation among States, exchange and process relevant information, and establish files for the identification of persons involved in terrorist acts and illicit trafficking in arms and official documents.

9. The Government of Algeria continues to believe that the problem of defining terrorism might be appropriately resolved by agreeing to a detailed definition of terrorist acts characterized in terms of their criminal nature and impact rather than focusing on the phenomenon of terrorism. Such an approach would have the advantage of shifting the emphasis from the conceptual aspects of terrorism to its practical and material manifestations, on which a consensus could be reached. 2/

B. Ways to consider the question within the Sixth Committee

10. In the view of Algeria, the most effective way to address the issue, on the basis of the progress achieved during the two previous sessions of the General Assembly, would be:

(a) To set up a working group under the Sixth Committee at the fiftieth session of the General Assembly to be given the task of considering the report of the Secretary-General and evaluating the implementation of the Declaration on Measures to Eliminate International Terrorism. At the end of its deliberations, the working group could also identify aspects relating to the advisability and means of drafting an international convention for the prevention and elimination of acts of terrorism;

(b) To adopt a resolution or decision whereby the General Assembly would take note of the progress achieved in the implementation of the Declaration and reaffirm its principles and objectives.

Notes

1/ The text of the Ordinance modifying and supplementing Ordinance No. 66-156 dated 8 June 1966 containing the Penal Code is available for consultation in the Codification Division of the Office of Legal Affairs.

2/ See document A/49/257, reply from Algeria.